

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOSHUA J.M. STEELE,

Petitioner,

v.

CASE NO. 2:18-CV-01737

JUDGE JAMES L. GRAHAM

Magistrate Judge Kimberly A. Jolson

**TIM SHOOP, WARDEN,
CHILLICOTHE CORRECTIONAL
INSTITUTION,**

Respondent.

OPINION AND ORDER

On January 9, 2019, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be transferred to the United States Court of Appeals for the Sixth Circuit as successive. (ECF No. 7.) Although the parties were advised of the right to file objections to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 7) is **ADOPTED** and **AFFIRMED**. This action is hereby **TRANSFERRED** to the Sixth Circuit as a successive petition.

Petitioner has waived his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

Date: February 4, 2019

s/James L. Graham
JAMES L. GRAHAM
UNITED STATES DISTRICT JUDGE